

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:01CR269-1
vs.)	EDTN Mag. No. 1-09-mj-318
)	
NELSON RIVAS-SANCHEZ)	JUDGE CARTER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on August 7, 2009, in accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure for an initial appearance of the defendant on a Petition for Warrant or Summons for Offender Under Supervision and Warrant out of the Middle of North Carolina. Those present for the hearing included:

- (1) AUSA Mel Schwing for the USA.
- (2) The defendant, NELSON RIVAS-SANCHEZ.
- (3) Attorney Mary Ellen Coleman for defendant.
- (4) Courtroom Deputy Russell Eslinger.

After being sworn in due form of law, the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Mary Ellen Coleman of Federal Defender Services was appointed to represent the defendant. It was ascertained defendant had been provided with a copy of the Petition and Warrant and had the opportunity of reviewing those documents with Atty. Coleman. It was determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Schwing moved defendant be detained without bail pending a hearing in the Middle District of North Carolina.

Findings

- (1) The defendant waived his Rule 5 identity hearing. The defendant asked to have a hearing on the Petition in the Middle District of North Carolina.

Conclusions

_____ It is ORDERED:

(1) Defendant shall be DETAINED WITHOUT BAIL pending his transfer to the Middle District of North Carolina.

(2) The U.S. Marshal shall transport defendant to the Middle District of North Carolina for a hearing on a date to be determined once defendant is in said district.

ENTER.

Dated: August 10, 2009

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE